

## **REMARKS**

Claims 1-32 remain pending in the application. Reconsideration is respectfully requested in view of the following remarks.

### **Section 103(a) Rejection:**

The Examiner rejected claims 15-27 under 35 U.S.C. § 103(a) as being unpatentable over Linden et al. (U.S. Patent 6,360,254) (hereinafter “Linden”). Applicants traverse the rejection for at least the following reasons.

#### **Claim 15**

In regard to claim 15, Linden fails to teach or suggest, even when combined with the Examiner’s taking of Official Notice (which Applicant’s traverse below), a line item approval module configured to, in response to receiving a particular purchase requisition associated with a particular purchasing request, process approval of a plurality of items specified in said particular purchasing requisition on a line-by-line basis, wherein one or more approvers are identified for each of the plurality of items, wherein to process approval the line item approval module is further configured to present to a particular approver only those items for which the particular approver is identified, wherein the items for which the particular approver is identified are less than all of the plurality of items specified in said particular purchasing requisition. The Examiner asserts that Linden discloses “a real-time connection using a browser where an electronic transaction is performed, an order list including at least one item to be submitted/received to/by a vendor, making the list available to the user and enabling the user to review and approve the vendor received order list” and cites columns 4, 7, 8, and 11. The Examiner also asserts that “the order list may be modified/edited and parsed” and cites columns 6 and 11. Applicants note that claim 1 does not recite “a real-time connection using a browser where an electronic transaction is performed, an order list including at least one item to be submitted/received to/by a vendor, making the list available to the user and enabling

the user to review and approve the vendor received order list.” **The Examiner has clearly failed to address the specific limitations of claim 15.** Instead, the Examiner recites features of Linden and fails to provide any explanation as to how such features relate to the specific limitations of Applicant’s claim. The Examiner’s comments do not appear to be relevant to the actual limitations recited in claim 15.

**Furthermore, Linden, even when combined with the Examiner’s taking of Official Notice (which Applicant’s traverse below), fails to teach or suggest the specific limitations of claim 15.** Nowhere does Linden teach or suggest a line item approval module configured to process approval of a plurality of items specified in said particular purchasing requisition on a line-by-line basis, wherein to process approval the line item approval module is further configured to present to a particular approver only those items for which the particular approver is identified, wherein the items for which the particular approver is identified are less than all of the plurality of items specified in said particular purchasing requisition. While the cited portions of Linden (columns 4, 6, 7, 8 and 11) fail to disclose the specific limitations of claim 1, column 11 does disclose:

In another practical application (not separately illustrated), the user 70 is a supplier of goods that are sold via the Web site 30 of a retailer, and the server application 40 is used to place orders with the supplier. To place an order, the server application 40 generates and transmits to the supplier an email document 72 which preferably includes the following: (a) a description of the goods being ordered, (b) a hyperlink 74 to a private URL (generated as described above), and (c) a message instructing the recipient to select the hyperlink to confirm the order. The email document 72 may be generated automatically, such as when inventory falls below a certain threshold, or may be generated in response to an action performed by a user. When the user 70 selects the hyperlink 74, the server application 40 updates a database to indicate that the order was confirmed, and the Web server 36 returns a private Web page 78 which includes information (e.g., order history, balance due) about the supplier’s account with the retailer. (emphasis added)

As demonstrated above, Linden teaches that “[w]hen the user 70 selects the hyperlink 74, the server application 40 updates a database to indicate that the order was confirmed...” **Linden clearly teaches a system where a user performs a single action to confirm an entire order.** Accordingly, **Linden actually teaches away from processing approval**

*of a plurality of items specified in said particular purchasing requisition on a line-by-line basis.* As the Examiner is certainly aware, “[a] *prima facie* case of obviousness can be rebutted if the applicant...can show that the art in any material respect ‘taught away’ from the claimed invention...A reference may be said to teach away when a person of ordinary skill, upon reading the reference...would be led in a direction divergent from the path that was taken by the applicant.” *In re Haruna*, 249 F.3d 1327, 58USPQ2d 1517 (Fed. Cir. 2001).

Furthermore, the Examiner takes official notice that “a line-by-line approval/denial of purchase orders has been common knowledge in the purchasing art.” **Pursuant to M.P.E.P. § 2144.03, Applicant traverses the Examiner’s official notice.** Applicant asserts that line-by-line approval/denial of purchase orders was not well known in the prior art. In fact, as demonstrated above, Linden actually teaches away from “line-by-line approval/denial of purchase orders.” Further more, claim 15 does not recite merely “a line-by-line approval/denial of purchase orders.” Claim 15 recites that to process approval the line item approval module is further configured to present to a particular approver only those items for which the particular approver is identified, wherein the items for which the particular approver is identified are less than all of the plurality of items specified in said particular purchasing requisition. This feature is not common knowledge and is not taught by any art of record. Pursuant to M.P.E.P. § 2144.03, Applicant asserts that “the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. See also 37 CFR 1.104(c)(2), (d)(2) and *In re Zurko*, 258 F.3d 1379, 1386 (Fed. Cir. 2001). Applicants also note that M.P.E.P. § 2144.03 states “[w]hile ‘official notice’ may be relied on, these circumstances should be rare when an application is under final rejection.”

**Additionally, even were “line-by-line approval/denial of purchase orders,” well known in the art, combining this concept with the teachings of Linden would not result in Applicants claimed invention according to the specific limitations of claim 15.** Applicant’s note that claim 15 specifically recites *wherein to process approval the line item approval module is further configured to present to a particular approver*

only those items for which the particular approver is identified, wherein the items for which the particular approver is identified are less than all of the plurality of items specified in said particular purchasing requisition. Linden, even when combined with “line-by-line approval/denial of purchase orders,” fails to teach or suggest wherein to process approval the line item approval module is further configured to present to a particular approver only those items for which the particular approver is identified, wherein the items for which the particular approver is identified are less than all of the plurality of items specified in said particular purchasing requisition. Applicants respectfully remind the Examiner that in order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 U.S.P.Q. 173, 177-178 (C.C.P.A. 1967). To establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art (emphasis added). *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP § 2143.03.

**Furthermore, Applicants assert the Examiner has not stated a proper reason as to why one of ordinary skill in the art would be motivated to modify the teachings of Linden in such a way that would result in Applicants claimed invention according to the specific limitations of claim 15. The Examiner asserts:**

To have provided a [ ] line-by-line approval/denial of purchase order for Linden would have been obvious to one of ordinary skill in the art. The motivation for having provided such would have been implementing common knowledge approval/denial processes with similarly situated parsing of orders disclosed by Linden. (emphasis added)

The Examiner’s reasoning is circular and conclusory; the Examiner is merely attempting to reconstruct Applicant’s claim in hindsight. The Examiner’s rejection of claims 37 and 38 is also completely lacking any evidentiary support. Thus, the Examiner has failed to state a *prima facie* rejection of claims 16-19, 32, 37 and 38. Furthermore, Applicants note that the Examiner references “similarly situated parsing of orders disclosed by Linden,” yet fails to provide any citation in the Office Action as to where Linden disclose “similarly situated parsing of orders.” To the contrary, as demonstrated above, Linden

actually teaches away from *processing approval of a plurality of items specified in said particular purchasing requisition on a line-by-line basis*.

Thus, for at least the reasons presented above, the rejection of claim 15 is unsupported by the cited art and removal thereof is respectfully requested.

#### **Claims 16-27**

Applicants assert the Examiner has not even attempted to establish a *prima facie* case of obviousness with respect to claims 16-27. Indeed, claims 16-27 recite further distinctions over the cited art, none of which are taught by, suggested by, or obvious in light of Linden. As the Examiner is certainly aware, to establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art (emphasis added). *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP § 2143.03. Additionally, since the independent claim has been shown to be patentably distinct, a further discussion of the claims 16-27 is not necessary at this time.

## CONCLUSION

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-90200/RCK.

Respectfully submitted,

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